

ENTERED

May 19, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JEMADARI CHINUA WILLIAMS,

Plaintiff,

VS.

JOEL GAUNA, *et al*,

Defendants.

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CIVIL ACTION NO. 2:22-CV-0005

ORDER ADOPTING MEMORANDUM & RECOMMENDATION

Before the Court is Magistrate Judge Jason Libby's Memorandum and Recommendation ("M&R"). (D.E. 18). The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, LP*, No. CIV. A. H-14-2700, 2015 WL 3823141, at *1 (S.D. Tex. June 18, 2015).

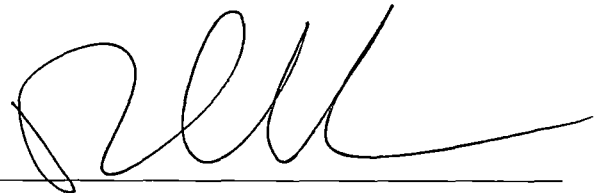
Having carefully reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding that the M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 18). Accordingly:

(1) The Court **RETAINS** the following claims:

- a. Plaintiff's First Amendment claims regarding meal service to Muslim inmates observing Ramadan against Former Garza Unit Warden Joel Gauna and Chaplain Hall in their individual capacities for monetary relief;
- b. Plaintiff's Eighth Amendment deliberate indifference claims regarding meal service to Muslim inmates observing Ramadan against Former Garza Unit Warden Gauna and Food Service Captain Melanie Quiroga in their individual capacities for monetary relief; and

- c. Plaintiff's First and Eighth Amendment claims related to the implementation of TDCJ's meal service policy during Ramadan against Executive Director Collier in his official capacity for declaratory and injunctive relief. *See* (D.E. 1; D.E. 13).
- (2) The Court **DISMISSES** Lori Rincon, Officer Alexander Mendoza, and Jacquelyn Toscano as defendants in this case. The Clerk of Court is **ORDERED** to **TERMINATE** these defendants from the docket sheet.
- (3) The Court further **DISMISSES** the following claims:
- a. Plaintiff's claim for money damages against Executive Director Collier in his official capacity as barred by the Eleventh Amendment;
 - b. Plaintiff's First and Eighth Amendment claims seeking declaratory and injunctive relief against Former Garza Unit Warden Gauna, Food Service Captain Quiroga, Chaplain Hall, and Assistant Warden Metz; and
 - c. Plaintiff's remaining claims against Defendants for failure to state a claim and/or as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1). *See* (D.E. 1; D.E. 13).
- (4) The Court **DENIES** Plaintiff's letter motion for a temporary restraining order and/or preliminary injunction. (D.E. 12).

SO ORDERED.



DAVID S. MORALES
UNITED STATES DISTRICT JUDGE

Dated: Corpus Christi, Texas
May 18th, 2022